

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

UNITED STATES OF AMERICA, §
Plaintiff §
v. § CIVIL ACTION NO. _____
§
FNH USA, LLC FNX-40 PISTOL §
.40 CALIBER §
(SERIAL NUMBER: FX2U025709), §
Defendant §

COMPLAINT FOR FORFEITURE IN REM

The United States files this action for forfeiture and alleges upon information and belief:

Nature of the Action

1. This is a civil forfeiture action in rem pursuant to 18 U.S.C. § 924(d)(1), which provides for the forfeiture of any firearm or ammunition involved in or used in any knowing violation of 18 U.S.C. §§ 922(a)(6) or 924. Under 18 U.S.C. § 922(a)(6), it is unlawful for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed dealer to knowingly make any false or fictitious statement intended or likely to deceive such dealer with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition under the provisions of 18 U.S.C. Chapter 44 (the “Gun Control Act”). Under 18 U.S.C. § 924(a)(1)(A), it is unlawful for a person to knowingly make any false statement or representation with respect to the information required by the Gun Control Act to be kept in the records of a person licensed under the Gun Control Act.

2. The Defendant is an FNH USA, LLC FNX-40 Pistol .40 Caliber (Serial Number: FX2U025709), hereinafter referred to as the “Defendant Firearm.”

Jurisdiction and Venue

3. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1345 and 1335.
4. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1335(b)(1), 1391(b), and 1395.

Factual Basis

5. On or about December 17, 2013, Humberto Ramos, Jr. ("Ramos") purchased the Defendant Firearm from Bass Pro Shops (a business licensed under the Gun Control Act) for someone else, and Ramos signed an ATF Form 4473 (a document required to be kept in the records of licensed firearms dealers) falsely certifying that he was the actual buyer of the Defendant Firearm while knowing that he was not the actual buyer. His false certification is a violation of 18 U.S.C. §§ 922(a)(6) and 924(a)(1)(A).

6. In March 2014, a federal grand jury returned a ten-count indictment charging Ramos with violating 18 U.S.C. §§ 924(a)(1)(A) and 2 by knowingly making false statements and representations with respect to information required to be kept in the records of businesses licensed under the Gun Control Act to the effect that he was the actual buyer of firearms, including the Defendant Firearm, when in fact he was not the actual buyer.

7. Agents from the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") took possession of the Defendant Firearm on or about April 11, 2014 from the Edinburg, Texas office of an attorney representing Ramos. The Defendant Firearm is currently in the custody of ATF in Brownsville, Texas.

8. On June 20, 2014, Ramos pleaded guilty to Count One of the Indictment charging him with knowingly making a false statement in connection with the purchase of a Colt pistol in

violation of 18 U.S.C. §§ 924(a)(1)(A) and 2. In the fact summary offered in support of his guilty plea, Ramos admitted that in addition to the Colt pistol and other firearms, he purchased the Defendant Firearm for someone else and that he knowingly made a false statement and representation on ATF Form 4473 that he was the actual buyer when he was not the actual buyer.

9. The Defendant Firearm is subject to forfeiture because it was involved in a knowing violation of 18 U.S.C §§ 922(a)(6) and 924(a)(1)(A).

Wherefore, the United States of America prays that judgment of forfeiture be entered against the Defendant Firearm in favor of the United States of America under 18 U.S.C. § 924(d)(1) in addition to such costs and other relief to which the United States of America may be entitled.

Respectfully submitted,

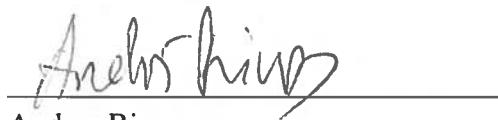
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Verification

I, Andres Rivas, a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, hereby verify under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the facts set forth in the foregoing Complaint For Forfeiture In Rem are based upon either personal knowledge or from information, reports, or records obtained during investigation and from other law enforcement personnel, and are true and correct to the best of my knowledge and belief.

Executed on August 7, 2014.



Andres Rivas
Special Agent
Bureau of Alcohol, Tobacco, Firearms, and Explosives